

**STATE OF NEW MEXICO
BEFORE THE SECRETARY OF ENVIRONMENT**

**IN THE MATTER OF THE APPLICATION
BY EDDY COUNTY AND THE CITY OF
CARLSBAD FOR RENEWAL AND
MODIFICATION OF A SOLID WASTE
FACILITY PERMIT, INCLUDING VERTICAL
EXPANSION, AT SAND POINT LANDFILL**

No. SWB 14-07(P)

NOTICE OF PUBLIC HEARING

Description of the Requested Action: The New Mexico Environment Department (Department) will hold a public hearing to consider the matter of the application by the City of Carlsbad, New Mexico (City) and Eddy County, New Mexico (County) for renewal and modification of the Sand Point Landfill permit. The City and County (Applicant) are seeking to renew the existing solid waste facility permit and obtain a permit modification for a vertical expansion at Sand Point Landfill. The permit application was initially submitted to the Department on February 14, 2013.

Hearing Date, Time, and Location: The hearing will begin at 5:30 p.m. on Thursday, May 22, 2014 in Room 211 of the Eddy County Administrative Complex, 101 W. Greene St., Carlsbad, New Mexico. Public comment will be taken starting at 5:30 p.m., or as specified by the Hearing Officer, on May 22. The hearing may continue on the following day as determined by the Hearing Officer. In lieu of verbal public comments, written statements may be submitted for the record at, or prior to, the hearing.

The application for a solid waste facility permit renewal and modification for vertical expansion has been reviewed by the Department for compliance with the New Mexico Solid Waste Act (Act) and the New Mexico Solid Waste Rules (20.9.2 to 20.9.10 NMAC). The Department deemed the application complete on March 26, 2014. The Act authorizes the Secretary of Environment to issue, issue with conditions, or deny solid waste facility permits. The Secretary of Environment considers all public comments, including issues relating to public health and welfare, in his decision to issue, issue with conditions, or deny the permit.

Name, Address, and Phone Number of the Applicant and Contact Person:

City of Carlsbad
101 N. Halagueno
Carlsbad, NM 88221
Contact Person: Mr. Luis Camero, City Director of Utilities
Phone: (575) 887-7970

Eddy County
101 W. Greene St.
Carlsbad, NM 88220
Contact Person: Mr. Ray Romero, County Public Works Director
Phone: (575) 361-3403

Anticipated Start-Up Date of Facility Modification and Hours of Operation:

- (a) Anticipated Start-Up Date: Sand Point Landfill is an existing solid waste facility operating under permit no. SWM-080405 issued in March 1994. The anticipated start-up date for the permit modification (vertical expansion) would be the date of permit application approval.

- (b) Hours of Operation: Operating hours for Sand Point Landfill are 7:00 a.m. to 4:15 p.m. Monday through Sunday. Operating hours are subject to change in response to fluctuations in waste receipts. Landfill operations may begin before and continue after the times when waste is received. Other landfill activities (e.g., cell liner construction) may be conducted outside the established operating hours.

Description of the Facility:

- (a) Location and Size: Sand Point Landfill is located at 164 Landfill Rd. in Eddy County, approximately 10 miles northeast of Carlsbad and 1.1 miles southeast of U.S. Highway 62-180. The landfill is located within the northwest quarter of Section 11, Township 24 South, Range 28 East. The landfill site is approximately 160 acres in size with approximately 99 acres reserved for waste disposal.
- (b) General Process: Sand Point Landfill receives solid waste from residential, commercial, and industrial sources. Waste is delivered by commercial haulers and the public. The waste is placed and compacted in lined cells that are served by environmental control systems (leachate collection systems, stormwater management controls, composite liners, groundwater monitoring). At the end of each working day, the working face of the waste disposal area is covered with at least six inches of soil or an alternative daily cover approved by the Department.
- (c) Quantity and Rate of Solid Waste: Sand Point Landfill received 213 tons per day (annual average) of solid waste in 2013, but expects to receive between 100 and 500 tons per day. The amount of waste received may vary depending upon market conditions. The quantity and rate of waste received may increase in the future if waste disposal demand increases.
- (d) Types of Solid Waste: Sand Point Landfill receives municipal solid waste from household, commercial, and industrial sources, construction and demolition debris, and green/yard waste.
- (e) Description of the Modification: Sand Point Landfill is seeking approval for: a vertical expansion that would lower the permitted excavation grades of unconstructed cells by approximately 30 feet and raise the permitted final grades by approximately 16 feet; and construction of an alternate final cover system (soil-only evapotranspiration cover system).

Origin of Waste: Waste received at Sand Point Landfill originates primarily from the Cities of Carlsbad and Artesia and unincorporated areas of Eddy County.

Hearing Procedures: The public hearing will be conducted in accordance with the Permit Procedures of the Environment Department (20.1.4 NMAC), which may be obtained at no charge from the Hearing Clerk, Sally Worthington, P.O. Box 5469, 1190 St. Francis Drive, S-2103, Santa Fe, NM 87502, telephone 505-827-2002, fax 505-827-2836. The Permit Procedures are also available electronically at: <http://www.nmcpr.state.nm.us/nmac/parts/title20/20.001.0004.htm>. Copies of the applicable Solid Waste Rules (20.9.2 through 20.9.10 NMAC) may also be obtained electronically at: http://www.nmcpr.state.nm.us/nmac/_title20/T20C009.htm or by contacting George Schuman of the Solid Waste Bureau at (505) 827-2328.

Persons may speak at the public hearing or submit general written comments without filing any documents beforehand. However, any person wishing to be an interested party or present technical testimony at the hearing must file an Entry of Appearance or Statement of Intent to Present Technical Testimony with the Hearing Clerk and serve it upon other parties of record, on or before 5:00 p.m., Thursday, May 8, 2014. Technical testimony means scientific, engineering, economic or other specialized testimony, whether oral or written, but does not include legal argument, general comments or statements of policy concerning matters at issue in the hearing.

In accordance with 20.1.4 NMAC, the Statement of Intent to Present Technical Testimony shall:

- a) identify the person filing the statement;
- b) state whether the person filing the statement supports or opposes the application;
- c) identify each witness, including name, address, affiliation(s), and educational and work background;
- d) estimate how long the direct testimony of each witness will take;
- e) identify all exhibits that are part of the Record Proper and, for exhibits not part of the Record Proper, attach a copy;
- f) list or make available all technical materials relied upon by each witness in making each statement of technical fact or opinion contained in his or her direct testimony; and
- g) attach a summary of the testimony of each witness, stating any opinion(s) to be offered by such witness, and an explanation of the basis for such opinion(s).

To promote efficiency and fairness, and to avoid prejudice and surprise, a person's direct technical testimony at the hearing shall be limited to the data, views and arguments raised in that person's filed Statement of Intent. Submittal of a Statement of Intent to Present Technical Testimony shall also be considered an Entry of Appearance.

If any person requires assistance, an interpreter, or auxiliary aid to participate in this process, please contact Mr. J.C. Borrego by Thursday, May 8, 2014 at the New Mexico Environment Department, Human Resources Bureau, P.O. Box 5469, 1190 St. Francis Drive, Santa Fe, NM, 87502, telephone 505-827-0424. TDD or TDY users should access Mr. Borrego's number through the New Mexico Relay Network (TDY users at 1-800-659-8331; TDD users at 1-800-659-1779).

The application may be reviewed at the following locations:

New Mexico Environment Department, Solid Waste Bureau, 1190 St. Francis Drive, Suite N-2150, Santa Fe, NM 87502; Monday-Friday 8:00 a.m. to 5:00 p.m. (Contact: Erica Ortega at 505-827-2441).

Carlsbad Public Library - Circulation Desk, 101 S. Halagueno St., Carlsbad, NM 88220 (phone: 575-885-6776).

Eddy County Road Dept. – South Location, 410 E. Derrick Rd., Suite 100, Carlsbad, NM 88220 (phone: 575-885-4835).

Sand Point Landfill, 164 Landfill Rd., Carlsbad, NM 88220 (phone: 575-200-5642).